

REMARKS

Drawings

The drawings were objected to for not showing an internal first sensor. Figure 2 has been amended to show that an internal first sensor 28 is disposed within the housing of the mobile telephone. No new matter has been introduced by the modification of figure 2.

Specification

The specification has been modified only so that an item number can now identify the internal first sensor 28 that is now shown in figure 2. No new subject matter has been added during the modification of the specification.

Information Disclosure Statement

The Office Action states that the listing of references in the specification is not a proper form of an Information Disclosure Statement.

The references are material only for background of the technology used in sensors. These references do not need to be considered during examination of the present application as the references do not describe subject matter that is relevant to the claims of the present invention.

Claim rejections under 35 U.S.C. § 112

In item 4, claim 17 is rejected as being indefinite. Applicant has amended claim

17.

Claim rejections under 35 U.S.C. § 102

In item 6, claims 1, 2, and 4 are rejected as being anticipated by Davis. Specifically, it is asserted that Davis teaches each and every element of the claimed invention.

Application has amended claim 1 to include the subject matter of claim 11. Claim 11 introduces the concept of the first sensor that is used to determine orientation of the device. In item 15, claims 11 and 24 are rejected as being unpatentable under 103(a) over Davis in view of Casebolt, and further in view of Reber. Reber is asserted to teach a portable phone that includes an orientation sensor.

Application respectfully traverses the rejection of claim 1, which now includes the subject matter of claim 11. Reber teaches two sensors, each apparently dedicated to a different axis. That makes Reber a two dimensional orientation system. In contrast, the present invention teaches a three dimensional orientation system. The specification explains in paragraph [0031] that "any other incremental orientation or a combination of these orientations..." is possible. This paragraph also states that the "magnetic sensors" described in a co-pending application can be used for this purpose. The magnetic sensors are capable of determining orientation in three dimensions.

A three dimensional orientation detection system provides advantages that are not taught nor suggested by the prior art. The present invention teaches the example of a GPS device disposed in the mobile telephone in paragraph [0032] so that the device can

function as an electronic compass. It is necessary for the orientation of the device to be known in three dimensions, not just two, in order for the display on the device to be able to display a direction. The prior art does not teach or suggest that knowledge of the orientation of a device in three dimensions is necessary for its functions. Thus, the combination of references fails to teach a device that is capable of performing the functions of the present invention.

Regarding claim 2, Applicant respectfully asserts that this claim is now dependent upon an allowable independent claim. Furthermore, there is no mention of the other devices named in the claim aside from the mobile telephone.

Regarding claim 4, Applicant respectfully asserts that this claim is now dependent upon an allowable independent claim.

Claim rejections under 35 U.S.C. § 103

In item 10, claims 1-3, 5-8, 10, 12-21, 23 and 25 are rejected under 103(a) as being unpatentable over Davis in view of Casebolt.

Regarding claim 1, applicant respectfully traverses the rejection of these claims in light of Casebolt. Casebolt teaches a capacitance sensor, not a capacitance touchpad. A capacitance sensitive touchpad is capable of determining more than just touch or proximity. A capacitance sensitive touchpad can determine location of touch or proximity to the touchpad. Casebolt only needs to detect touch or proximity, not location, because it is being used to activate the mouse from a low power sleep mode to a higher power active mode. Accordingly, Casebolt fails to teach or suggest other abilities of a

touchpad.

Applicant also asserts that the addition of the subject matter of claim 11 into claim 1 gives the present invention significant advantages over any combination of cited references.

Regarding claims 2 and 3, Applicant respectfully asserts that these claims are now dependent upon an allowable independent claim.

Applicant has amended claim 13 to include the subject matter of claim 11 in a manner that is identical to the way in which claim 1 was amended.

Regarding claims 5-8, 10 and 12, Applicant respectfully asserts that these claims are now dependent upon an allowable independent claim.

Regarding claims 14-21, 23 and 25, claim 14 has been amended to include the subject matter of claim 24 in a manner identical to the way in which the subject matter of claim 11 is amended into claim 1. Accordingly, for the same reasons given in support of allowability of the apparatus claims, the same arguments should now be applied to the method claims.

In item 14, claims 9 and 22 are rejected as being unpatentable over Davis in view of Casebolt and further in view of Molne.

Regarding claims 9 and 22, Applicant respectfully asserts that these claims are now dependent upon an allowable independent claim.

In item 15, claims 11 and 24 are rejected over Davis in view of Casebolt and further in view of Reber.

Applicant has addressed the rejection of these claims in regards to amended

claims 1 and 14.

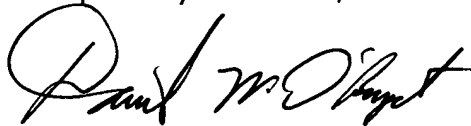
Conclusion

In light of the statements above, Applicant respectfully requests issuance of claims 1-10, 12-23 and 25. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the examiner is invited to call David W. O'Bryant at (801) 478-0071 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0881.

DATED this 24th day of August, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. O'Bryant", with a stylized, cursive script.

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